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SENATE BILL 542 By
Haun

HOUSE BILL 498
By Phelan

AN ACT to amend Tennessee Code Annotated, Title 56, Chapter 7,
Part 11, to enact the "Automobile Liability Insurance
Personal Responsibility Act of 1997".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 11, is amended by
adding the following language as a new, appropriately designated section:

Section ____.

(a) The title of this act is and may be cited as the "Automobile Liability
Insurance Personal Responsibility Act of 1997".

(b) Except as provided in subsection(d), in any legal action to recover
damages arising out of the operation or use of a motor vehicle, a person may not
recover noneconomic losses, including but not limited to pain and suffering, if any
one of the following applies:

(1) The injured person was at the time of the accident operating
the vehicle in violation of Tennessee Code Annotated, Section 55-10-401,
55-10-406, 55-10-415 or 55-50-408, and was convicted of that offense;

(2) The injured person was the owner of an uninsured vehicle
involved in the accident and is unable to produce proof of financial
responsibility as required in Tennessee Code Annotated, Section 55-12-
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(3) The injured person was the operator of the vehicle involved in the accident and was operating the vehicle in violation of 55-50-504, and was convicted of that offense; or

(4) The injured person was the operator of a vehicle, a passenger in a vehicle, or a pedestrian and his or her injuries were in any way proximately caused by his or her commission of any felony, or immediate flight therefrom, and the injured person has been duly convicted of that felony.

(c) Except as provided in subsection (d), an insurer shall not be liable directly or indirectly, under a policy of liability or uninsured motorist insurance to indemnify for the noneconomic losses of any person injured as described in subsection(b).

(d) In the event a person described in paragraph (2) or (3) of subsection (b) was injured by a motorist who at the time of the accident was operating a vehicle in violation of Tennessee Code Annotated, Section 55-10-401, 55-10-406, 55-10-415, or 55-50-408, and was convicted of that offense, the injured person shall not be precluded from recovering noneconomic losses, including but not limited to pain and suffering.

(e) Notwithstanding Tennessee Code Annotated, Section 56-8-104(8), or any other provision of law to the contrary, in the event a person injured in a motor vehicle accident has been formally charged with the violation of a criminal felony statute or Tennessee Code Annotated, Section 55-10-401, 55-10-406, 55-10-415, 55-50-408, or 55-50-504, in connection with such accident, but a final determination of guilt or innocence has not been made, liability and uninsured motorist insurers, to whom a claim for damages has been presented, shall advise the injured party that settlement of the claim will pend until a final judgment of

guilt or innocence is rendered on the violation charges. The injured party claiming damages shall provide evidence of the outcome of any criminal charges.

(f) This section shall apply to all motor vehicle accidents occurring on or after the effective date of this act.

(g) For purposes of this section a conviction shall include a plea of nolo contendere.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.